

**City of Tucumcari
City Commission Meeting Minutes
May 14, 2015**

The Tucumcari City Commission met in a regular meeting on Thursday, May 14, 2015 at 6:00 p.m. in the City Commission Chambers, Members present constituting a quorum were: John Mihm, Ruth Ann Litchfield, Robert Lumpkin, and Rick Haymaker. Amy Gutierrez was absent.

City Staff members present were: Jared Langenegger, City Manager; Doug Powers, Assistant City Manager; Dennis Dysart, Financial Director; Shane Warner, Fire Chief; Jason Braziel, Chief of Police; Ralph Lopez, Project Manager; Vicki Strand, Community Development Director; Angelica Gray, City Clerk, Shannon Shay, HR Director; and Robin Alden, Grant Writer.

Invocation presented by Amy Pospichal First Presbyterian Church and Mayor Lumpkin led us in the Pledge of Allegiance.

Consideration of Changes for Deletions to the Agenda

Commissioner Mihm made the motion to approve the agenda and Mayor Pro Tem Litchfield seconded the motion. Roll Call:

Haymaker	Mihm	Litchfield	Lumpkin
Yes	Yes	Yes	Yes

Items from Commissioners

Commissioner Mihm welcomed everyone tonight. He asked everyone to be careful with the students Spring is upon us and school is about to be let out.

Mayor Pro Tem Litchfield thanked everyone for being here tonight along with Russell B. with KTNM and Thomas Garcia with Quay County Sun. She congratulated Katrina Smith who is a 2015 graduate from Tucumcari High School and received the Comcast Leader Scholarship.

Commissioner Haymaker thanked everyone for coming tonight. He thanked the fire and police department for containing the fire. He asked for continued prayers for Ambrose Mares and his family. He also mentioned he and Toney attended the Bluegrass event and they saw some world class bluegrass. He also attended the open house for Hannah B's dance studio. He thanked the city employees for the continued improvement to our town. He thanked Watson's BBQ who served biscuits and gravy at the men's fellowship. He attended the EDC meeting and was able to see the prototype of the flashlight from Mr. Nichols.

On Ms. Gutierrez' behalf, Mayor Lumpkin congratulated all the graduates.

Mayor Lumpkin stated that there was a Cleanup Day at the golf course, which was sponsored by Comcast. He thanked the corporation for putting back into the community.

Approval of Minutes

Mayor Pro Tem Litchfield made the motion to approve the April 9, 2015 work session notes and Commissioner Mihm seconded the motion. Roll Call:

Litchfield Haymaker Mihm Lumpkin
Yes Yes Yes Yes

Commissioner Mihm made the motion to approve the April 9, 2015 commission meeting minutes and Commissioner Haymaker seconded the motion. Roll Call:

Lumpkin Litchfield Haymaker Mihm
Yes Yes Yes Yes

Commissioner Haymaker made the motion to approve the April 23, 2015 Special work session notes and Commissioner Mihm seconded the motion. Roll Call:

Haymaker Lumpkin Mihm Litchfield
Yes Yes Yes Yes

Mayor Pro Tem Litchfield made the motion to approve the April 23, 2015, commission meeting minutes and Commissioner Mihm seconded the motion. Roll Call:

Mihm Litchfield Lumpkin Haymaker
Yes Yes Yes Yes

Proclamations, Memorials or Petitions

Ms. Gray read the proclamation and Mayor Lumpkin declared May 1st thru May 7th, 2015, as Elks National Youth Week.

Ms. Gray read the proclamation and Mayor Lumpkin declared May 16, 2015, as Arbor Day in Tucumcari. Proclamation was accepted by Robin Alden from the Community Development Department.

Ordinances and Resolutions

Ordinance 1120, Second Reading, Approval of Application for LEDA Assistance Establishing a Manufacturing Facility (Buena Vista Labs, LLP) and authorizing the execution of a Project Participation Agreement, Security Agreement, and Promissory Note

Mr. Vanderpool was sworn in. He stated it was important to note this project is owned by a city commissioner and because of that they have given this project extra scrutiny. EDC needs to make sure they provide equal treatment for everyone who applies for assistance either by LEDA or any other services provided by EDC. They need to make sure they do not show any favoritism but we also need to make sure we do not penalize anyone for the role they play in the community. He also noted that in every instance where this project has been voted on, both in the vote with EDC and for recommendation and the first reading of this ordinance the commissioner did recuse himself from voting on the project and has not participated in this project in any other manner other than as a

business applying for assistance. In addition, he stated the documentation in the project was presented to the city attorney for his approval and review and that we have all the safeguard and requirements in place as reviewed by the city attorney. He asked the commission for their support in this project.

Commissioner Haymaker thanked EDC for the transparency with this project. Mayor Pro Tem Litchfield also thanked EDC for the transparency.

Gary Montano was sworn in. He thanked the city manager and Mr. Vanderpool for their transparency in this project however, the citizens in District 1 and 2 do not understand in layman's terms what this means. In theory, the ordinance reads \$70,000 to Buena Vista Labs and it is his understanding that the City has signed a contract for \$50,000 for public monies along with \$50,000 from the County. He stated that with Commissioner Mihm abstaining to vote he is also the treasurer of EDC and people think there is a conflict of interest and in essence he would be signing his own checks to Buena Vista Labs. Mr. Montano stated that Mr. Vanderpool clarified that today and the people would like to see more transparency. The commission has stated they had access to this information and the city attorney had access to this information, however; the public does not have access to this information. He stated just the optics of it looks like a conflict of interest. He asked the commission how they can reassure the public this endeavor will be above board and it is not a conflict of interest using public and private funds. Mr. Montano when he asked Mr. Vanderpool this information he responded by saying this information is only for the EDC and board members and not the public.

Mayor Lumpkin stated there is some need for discretion when we are dealing with a private business. He stated there may be a business plan they do not want to share with possibly their competitors or could cause a less attractive place to do business.

Mr. Vanderpool informed Mr. Montano that the Participation Agreement, Security Agreement, Ordinance and supporting documents are public record, as per the city attorney's opinion. He stated the documentation internally within EDC is not public record except as far as it relates to the project.

Commissioner Mihm stated he does not have access to the money. In order to expand and train we needed money to procure equipment.

Mr. Vanderpool stated Mr. Montano and he spoke earlier and was explained the funds for the project are set up in a temporary checking account specifically for this project and is totally separate from any other funds and they are only disbursed upon the presentation of an invoice or receipt for a specific item approved by the participation agreement.

Mr. Montano asked if Mr. Mihm was a signator on this account. Mr. Vanderpool stated that Mr. Mihm is a signator in so much as he is the business and it is required that there be two signatures on each expenditure of funds, one as a business owner and his signature as representative for EDC.

Mr. Langenegger stated the process with the signator is the same for every project. He thanked Mr. Montano for bringing the concerns to the commission. He added that he has an open door policy and they are more than glad to discuss with the citizens from District 1 and 2 regarding their concerns. He stated we are working for the people. If they have concerns we will visit with them.

Molly Evetts was sworn in. She stated she is delighted with the comments that have been made by everyone. She thinks we have an opportunity to encourage a business that we have been able to see develop. She stated Mr. Mihm has been very open with how he does business. He has a vision for what he hopes will happen for his business.

Commissioner Haymaker made the motion to approve Ordinance 1120 and Mayor Pro Tem Litchfield seconded the motion. Roll Call:

Haymaker	Mihm	Litchfield	Lumpkin
Yes	Abstained	Yes	Yes

Ordinance 1121, Second Reading, Approval of Application for LEDA Assistance for an Intergovernmental Agreement with Tucumcari Mountain Cheese Factory & Authorizing the execution of a Project Participation Agreement, Security Agreement & Promissory Note –

Mr. Vanderpool was sworn in. He stated these funds are state funds and not local. He stated closing funds are ran by LEDA. This project is in the amount of \$200,000.00.

Mark Roper was sworn in. This is an intergovernmental agreement will be between the City and State of New Mexico approved by Secretary Barela. He stated a security will be held by the City of Tucumcari but the security will be provided by TMCF in the execution of the promissory note.

He added that the action taken tonight is subject to IPRA and can be available and can be requested by any citizen to inspect those documents. He stated the financials are legally confidential. Mr. Roper stated the NMEDC by statute is the only entity that is not subject to IPRA for the purposes of financials.

Commissioner Haymaker stated it is not this commission’s intention to show scrutiny on any LEDA funding. It is left to the city manager to review before we receive it.

Commissioner Mihm made the motion to approve Ordinance 1121 and Mayor Pro Tem Litchfield seconded the motion. Roll Call:

Litchfield	Haymaker	Mihm	Lumpkin
Yes	Yes	Yes	Yes

Resolution 2015-12 Eastern Plains Council of Governments – Mr. Langenegger presented this item to the commission. He stated this resolution is to approve the City’s participation with EPCOG. In addition, it names Mayor Lumpkin as the representative for the City with Mr. Langenegger as alternate.

Mayor Lumpkin stated that EPCOG will help us write grants and apply for grants. He thinks it is a good investment at this time.

Mayor Pro Tem Litchfield made the motion to approve Resolution 2015-12 and Commissioner Mihm seconded the motion. Roll Call:

Lumpkin	Litchfield	Haymaker	Mihm
Yes	Yes	Yes	Yes

Resolution 2015-13, 2014/2015 CDBG Annual Certifications and Commitments – Mr. Lopez presented this item to the commission. He stated that CDBG requires to approve certificates and commitments in the area of Citizen Participation, Fair Housing, Residential Anti-Displacement And Relocation Assistance, Section 3, and Procurement.

Commissioner Mihm made the motion to approve Resolution 2015-13 and Commissioner Haymaker seconded the motion. Roll Call:

Haymaker	Litchfield	Lumpkin	Mihm
Yes	Yes	Yes	Yes

Resolution 2015-14, Deletion of Fixed Assets Listing – Dennis Dysart presented this item to the commission. He stated this request is to update and remove items from the fixed assets listing. He stated several of these items are under \$5,000.00 and in 2004-2005 the law changed and these items are no longer added in inventory but the items were never removed from the list. In addition, there are infrastructures items, the roads are still on the list and as we do the improvements we depreciate them and then remove from the list. In addition, there is land, a dozer which has been sold at auction, along with a vehicle which was totaled.

Commissioner Haymaker made the motion to approve 2015-14 Deletion of Fixed Assets Listing and Commissioner Mihm seconded the motion. Roll Call:

Mihm	Litchfield	Lumpkin	Haymaker
Yes	Yes	Yes	Yes

City Manager’s Report

Mr. Langenegger stated the City is currently reviewing the contract with EDC. The contract expires on June 1, 2015. He stated the commission attended the EDC monthly meeting on April 28th and began discussion with the EDC board. There was a special work session on May 12th to further discuss the contract and there were several suggestions to the contract. He hopes to have the contract finalized on the agenda for May 28th.

He stated the Sands Dorsey project is moving forward. He hopes to have the draft bid documents by the end of the week and upon receipt we will set a one week timeline to review and return to the engineers. Once we return to Forsgren, we should have a project bid within a week.

He stated Michael Ray, Doug Powers and himself traveled to Las Vegas to meet with the city manager and code enforcement staff to learn about their nuisance codes and the vacant building ordinance. They provided productive information. They informed us that they had issues with enforcing the vacant building ordinance because they applied it citywide and it was too much to handle. They felt the ordinance could help if we applied it to overlay zoning and applicable to sections of the city.

They are going forward with foreclosing those liens where they go to the court and the court orders the property to sell and once the property is sold the lien is paid to the City and the remainder goes to the property owner. We are incorporating all these things in reviewing our ordinance and we hope to have something established midsummer to propose a new ordinance to the City.

He stated Steel Electric is working on the lights at the west interchange. They have run new wires on the north side and should be done by tomorrow. They are hoping once we replace the wires on the north side the lights on the south side will start working as well. We believe the break was in those. If not, we will have to diagnose it further and make further repairs. Once the lights are complete on the west interchange the City staff and Xcel will proceed on working on the lights on the boulevard and the east interchange.

He mentioned that he is no longer holding Friday meetings. He still has an open door policy. He will be on the radio every Friday at 7:30 a.m.

Finally, he wants to congratulate all the graduates in the area.

Bids and Contracts

Requesting Approval of Contract between the City of Tucumcari and Sysco West Texas for Food Services for Senior Center – Ms. Gray presented this item to the commission. She stated in February the City and the Senior Program went out for an ITB for food services and supplies. The City received one bid from Sysco West Texas and she is requesting we continue with a contract.

Mayor Pro Tem Litchfield made the motion to approve the Contract between City of Tucumcari and Sysco West Texas and Commissioner Mihm seconded the motion. Roll Call:

Haymaker	Mihm	Litchfield	Lumpkin
Yes	Yes	Yes	Yes

Requesting Approval of Independent Public Accountant Contract for Lodgers' Tax Audits – Mr. Dysart presented this item to the commission. He stated this contract is from JJ Griego who is also our independent contractor for the City. The law requires there be an audit of the vendors every year and we did ask local CPA's but unfortunately they identified a conflict of interest or no response. We have about \$550,000 that comes from 30 different vendors in the year.

Commissioner Mihm made the motion to approve the Independent Public Accountant Contract for Lodgers' Tax Audits and Commissioner Haymaker seconded the motion. Roll Call:

Litchfield	Haymaker	Mihm	Lumpkin
Yes	Yes	Yes	Yes

Old Business

Mayor Lumpkin acknowledged the City Museum Advisory Board minutes for January 6, 2015 and Lodgers' Tax Advisory Board minutes for April 1, 2015.

New Business

Requesting Approval of Railroad Museum Memorandum of Understanding- Mr. Langenegger presented this item to the commission. This is a MOU between the City, Mainstreet and the Railroad Museum. He stated this agreement will outline responsibilities and the locations where the museum can be, and who pays for the utilities and maintenance on the building.

Commissioner Haymaker made the motion to approve the MOU with the Railroad Museum and Commissioner Mihm seconded the motion. Roll Call:

Lumpkin	Litchfield	Haymaker	Mihm
Yes	Yes	Yes	Yes

Discussion for Request for Proposal of Convention Center Catering – Mr. Langenegger presented this item to the commission. He stated the City wants to put together an RFP for catering and bar service. He stated most convention center directors do not oversee the bar or catering. Their responsibilities include managing the facility, scheduling events, and recruiting conventions. This RFP would have a private company cater for the convention center and they would be responsible for managing the bar and lease the liquor license from the city to operate that bar.

He is not asking for an approval but he is asking if he can move forward with the RFP if the commission feels it is not a good idea.

Requesting Approval of One New Planning & Zoning Commission Member – Robin Alden presented this item to that commission. The board met on May 12th and they recommend Bob Beaulieu for the vacant position.

Commissioner Mihm made the motion to approve Bob Beaulieu as the new planning & zoning commission member and Mayor Pro Tem Litchfield seconded the motion. Roll Call:

Haymaker	Lumpkin	Mihm	Litchfield
Yes	Yes	Yes	Yes

Requesting Approval to re-appoint board members to the Museum Advisory Board (Duane Moore, Danny Wallace, and Joy Young)- Ms. Gray presented this item to the commission. She stated these three individuals have been members for several years. She is asking the commission to re-appoint Duane Moore, Danny Wallace, and Joy Young.

Mayor Pro Tem Litchfield made the motion to re-appoint Duane Moore, Danny Wallace, and Joy Young to the Museum Advisory Board and Commissioner Mihm seconded the motion. Roll Call:

Mihm	Litchfield	Lumpkin	Haymaker
Yes	Yes	Yes	Yes

Requesting Approval of Award to Wagner Cat for Landfill Compactor – Mr. Lopez presented this item to the commission. He stated the City solicited bids and they were open on May 4, 2015. They received bids from Aljon in the amount of \$499,700 and Wagner Caterpillar, in the amount of \$440,555.

Mr. Langenegger wanted to clarify that the commission did approve earlier going through CES for the purchase of this compactor. Unfortunately, as we went through CES, the process fell through and they were not allowed to sell us the compactor. Therefore, we had to solicit bids. He stated this compactor is replacing an older model.

Commissioner Mihm made the motion to award the Invitation for Bid to Wagner Caterpillar for the Landfill Compactor and Commissioner Haymaker seconded the motion. Roll Call:

Haymaker	Mihm	Litchfield	Lumpkin
Yes	Yes	Yes	Yes

Public Comments

No public comments.

Items from Commissioners

Commissioner Haymaker thanked everyone for coming tonight. He also thanked tonight's presenters. He stated he is excited to be a tree city.

Commissioner Mihm thanked the commission, as a business owner, for their faith and trust in him.

Mayor Pro Tem Litchfield congratulated the graduates. She also thanked KTNM and Quay County Sun for coming tonight. She also thanked everyone for supporting Mr. Mihm.

Mayor Lumpkin thanked everyone for coming tonight and he also congratulated the graduates.

Adjournment

Mayor Lumpkin asked for a motion to Adjourn. Commissioner Haymaker made the motion to adjourn and Commissioner Mihm seconded the motion. Roll Call:

Litchfield	Haymaker	Mihm	Lumpkin
Yes	Yes	Yes	Yes

Meeting adjourned at 7:15 p.m.

Robert C. Lumpkin, Mayor

ATTEST:

Angelica M. Gray, City Clerk